

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:24-cr-33
)	
v.)	Judge Atchley
)	
DATHAN LAMONT MITCHELL)	Magistrate Judge Dumitru

ORDER

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea as to Count One of the Indictment; (3) adjudicate the Defendant guilty of Count One of the Indictment; and (4) order that Defendant remain in custody until sentencing in this matter [Doc. 45]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation [Doc. 45] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One of the Indictment; and
4. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **November 6, 2025, at 10:00 a.m. ET** before the undersigned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE